

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NORTHEAST CARPENTERS  
HEALTH, PENSION, ANNUITY, APPRENTICESHIP,  
AND LABOR MANAGEMENT COOPERATION FUNDS,

Petitioners,

-against-

EXCEL INSTALLATIONS, LLC,

MEMORANDUM & ORDER  
17-CV-4764 (JS) (GRB)

Respondent.

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APPEARANCES

For Petitioners: Nicole Marimon, Esq.  
Claire A. Vinyard, Esq.  
Virginia & Ambinder, LLP  
40 Broad Street  
New York, NY 10004

For Respondent: No appearance

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Gary R. Brown's Report and Recommendation ("R&R") recommending that this Court confirm the subject arbitration award and award Trustees of the Northeast Carpenters Health, Pension, Annuity, Apprenticeship, and Labor Management Cooperation Funds ("Petitioners" or the "Funds") judgment against Excel Installations, LLC ("Respondent") for \$24,649.74, as well as interest, attorneys' fees, and costs. (R&R, Docket Entry 10, at 2.) For the following reasons, the Court ADOPTS Judge Brown's R&R in its entirety.

## BACKGROUND

Petitioners, employer and employee trustees of multiemployer labor-management trust funds and a labor management cooperation committee, commenced this action on August 14, 2017, alleging that Respondent failed to make contributions to the Funds in contravention of a collective bargaining agreement. (Pet., Docket Entry 1, ¶¶ 4-5, 7-15.) Petitioners allege that they initiated arbitration pursuant to a collection policy, and the arbitrator awarded Petitioners the sum of \$24,649.74 (the "Award"). (Pet. ¶¶ 16-20.) Petitioners aver that "Respondent has failed to abide by the Award." (Pet. ¶ 21.)

On October 20, 2017, the undersigned referred Petitioner's Petition to Confirm Arbitration Award (the "Petition") to Judge Brown for an R&R on whether the Petition should be granted. (Referral Order, Docket Entry 9.) On February 21, 2018, Judge Brown issued his R&R recommending that the Court: (1) confirm the Award and (2) award Petitioners (a) judgment against Respondent in the sum of \$24,649.74 (consisting of principal deficiencies of \$18,284.69, interest of \$1,058.11, liquidated damages of \$3,656.94, attorneys' fees of \$900.00, and arbitrator's fees of \$750.00), along with (b) interest of 0.75% per month on delinquent contributions from the date of the Award through the date of judgment, and (c) attorneys' fees and costs totaling \$917.50. (R&R at 2.)

### DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted). Objections were due within fourteen days of service of the R&R.

The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived. Upon careful review and consideration, the Court finds Judge Brown's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

### CONCLUSION

Judge Brown's R&R (Docket Entry 10) is ADOPTED in its entirety. The Award is CONFIRMED and Petitioners are awarded: (1) judgment against Respondent in the sum of \$24,649.74, (2) interest of 0.75% per month on the \$18,284.69 of delinquent contributions from the date of the Award through the date of judgment, and (3) attorneys' fees and costs totaling \$917.50.

Petitioners are directed to promptly serve a copy of this Memorandum and Order on Respondent and file proof of service

on the Docket. The Clerk of the Court is directed to enter judgment accordingly and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: March 31, 2018  
Central Islip, New York